



Title VI Plan

Federal Highway Administration (FHWA)
Sub-Recipient Funds



Public Works Department

2/23/2022

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I. Introduction

Title VI of the Civil Rights Act of 1964 (Title VI), is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that “No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.”

Title VI has been supplemented by other federal nondiscrimination statutes that afford legal protection, including the Federal-Aid Highway Act of 1973 (23 U.S.C. 324), which prohibits discrimination based on gender; the Age Discrimination Act of 1975, which prohibits discrimination based on age; and the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990, which prohibits discrimination based on physical or mental disability. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibited unfair and inequitable treatment of persons as a result of projects that are undertaken with federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipient and contractors whether those programs or activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects or plans that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued a corresponding DOT order to summarize and expand upon the requirements of Executive Order 12898.

Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” requires the Englewood Public Works Department (“EPWD”) to provide access to individuals with limited ability to speak, write, or understand the English language.

EPWD will not restrict, on the grounds of race, color, national origin, age, gender, or disability an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals will not be subjected to criteria or methods of administration which cause adverse impact because of race, color, national origin, age, gender, or disability, or have the effect of defeating

or substantially impairing accomplishment of the objectives of the program because of race, color, national origin, age, gender, or disability.

Based on federal guidance, the main components of the EPWD Title VI Program include:

1. Assignment of roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964, and related regulations and directives;
2. Assurance that people affected by the EPWD's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, gender, or disability;
3. Prevent unlawful discrimination in EPWD's programs and activities, whether those programs or activities are federally funded or not;
4. Establishment of procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, gender, or disability;
5. Establishment of procedures to annually review Title VI compliance within specific program areas within EPWD; and
6. Setting forth procedures for filing and processing complaints by persons who believe they have been subjected to unlawful discrimination under Title VI in EPWD's services, programs, or activities.

As a sub-recipient of federal highway funds, EPWD must comply with federal and state laws and related statutes to ensure equal access and opportunity to all persons with respect to transportation services, facilities, activities, and programs without regard to race, color, national origin, age, gender, or disability. Every effort will be made to prevent unlawful discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

II. Non-Discrimination Policy Statement

It is the policy of the City of Englewood Public Works Department ("EPWD") that no person shall on the grounds of race, color, national origin, sex, disability, or age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any operation of the EPWD as provided by Title VI of the Civil Rights Act of 1964 and related statutes.

This policy applies to all operations of EPWD, including its contractors and anyone who acts on behalf of EPWD. This policy also applies to the operations of any department or agency to which the EPWD extends federal financial assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include:

- Denial of service, financial aid, or other benefit;
- Distinctions in the quality, quantity, or manner in which a benefit is provided;
- Segregation or separate treatment;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided;
- Discrimination in any activities related to highway and infrastructure or facility built or repaired; and
- Discrimination in employment.

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.



Maria D'Andrea, P.E.
City of Englewood
Director of Public Works

02/23/2022

Date

III. Organization, Staffing, and Structure

The City of Englewood Director of Public Works, through the Title VI Coordinator, is responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that the same provisions be required of all agency employees, contractors, and agents pursuant to 23 CFR Part 200 and 49 CFR Part 21.

The role of EPWD Title VI Coordinator is assigned to the Deputy Director - Engineering and Asset Management.

The Title VI Coordinator is generally responsible for:

- Submitting a Title VI plan and related reports on the agency's behalf;
- Developing procedures for the prompt processing and disposition of complaints;
- Investigating complaints, compiling a complaint log, and reporting to the Colorado Department of Transportation (CDOT).
- Working with staff to fulfill obligations of the Title VI Plan.
- Developing procedures for the collection and analysis of statistical data.
- Developing a program to conduct Title VI reviews of program areas.
- Conducting annual Title VI assessments of pertinent program areas.
- Disseminating Title VI information, internally and externally as required.
- Establishing procedures for resolving deficiencies and implementing necessary remedial action.

Periodic Contract Review Process

EPWD's Title VI Coordinator will annually review the Public Works Department's FHWA files randomly (sampling) to assure that Title VI contract language/assurances are included in all FHWA bid specifications and/or contracts.

Title VI Training Procedures

EPWD's Title VI Coordinator will review the program and responsibilities with the EPWD Director and schedule meetings with city procurement staff, Engineering and Asset Management staff, and other applicable personnel to ensure Title VI language and assurances are included in all FHWA bid specifications and contracts. Training will also be provided to all other applicable EPWD or city staff as well.

IV. Primary Program Area Descriptions & Review Procedures

The Public Works Department engages in the following program areas:

| Program Area | General Description | Title VI/Non-Discrimination Concerns and Responsibilities | Review Procedures for Ensuring Non-Discrimination |
|-------------------------|---|---|---|
| Infrastructure Planning | Public Meetings | Ensure public involvement in the decision-making process through public meetings, information bulletins, web publication and project related signage. Provide information in alternative formats. | Review and update Title VI Plan as needed/required. |
| Right of Way | Research, Acquisition | Ensure that appraised values and communications result in equitable treatment. Provide translators as necessary. | Review and update Title VI Plan as needed/required. |
| Procurement | Compliance with City of Englewood Purchasing Policies and federal procurement | Provide opportunity for DBEs and other small businesses to participate in procurement activities. | Review and update Title VI Plan as needed/required. |
| Construction | Implementation of Construction Designs | Ensure construction efforts and resources are applied uniformly and fairly. Include Title VI requirements in all contracts. | Review and update Title VI Plan as needed/required. |

All staff in EPWD are responsible for doing their part to ensure that services are provided in a manner free from unlawful discrimination. Every staff member has an obligation to report suspected violations of this Plan or of city anti-discrimination policies. All such reports will be properly and completely investigated.

V. Title VI Complaint Procedures

EPWD's Title VI Plan will be posted on the internet and available in hardcopy format in the office of the Public Works Department.

Discrimination Complaint Procedure for City of Englewood

Federal law prohibits discrimination on the basis of race, color, national origin, age, sex, or disability in any City of Englewood program or activity. This prohibition applies to all branches of the City of Englewood, its contractors, consultants, and anyone else who acts on behalf of City of Englewood.

Federal law requires that the City of Englewood investigate, track, and report discrimination complaints. Complaints must be filed in writing and will be investigated within sixty days of submission. If you need assistance to file your complaint or need interpretation services, please contact the Director of Public Works.

Who is eligible to file a complaint?

Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any City of Englewood program or activity because of their race, color, national origin, age, sex, or disability may file a complaint.

Discrimination includes lack of access, harassment, retaliation and disparate impacts from a program or activity. Harassment includes a wide range of abusive and humiliating verbal or physical behaviors.

Retaliation includes intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they filed a complaint or otherwise participated in a discrimination investigation.

How do you file a complaint?

Complaints must be filed in writing within 180 days from the last date of the alleged discrimination. However, contact the city's Title VI Coordinator you believe your complaint may fall outside this deadline.

Complaints may be submitted via mail, email, or in person to:

City of Englewood
Public Works Department
1000 Englewood Parkway
Englewood, CO 80110
publicworks@englewoodco.gov

Reasonable efforts will be made to assist persons with disabilities, non-English speakers, and others unable to file a written complaint.

Complaints may also be filed directly with the following agencies:

Colorado Department of Transportation
Civil Rights & Business Resource Center
2829 W. Howard Place
Denver, CO 80204
dot_civilrights@state.co.us
(303) 757-9234

Federal Highway Administration,
Colorado Division
12300 West Dakota Avenue, Suite 180
Lakewood, Colorado 80228
Phone: (720) 963-3000
Fax: (720) 963-3001

What happens after a complaint is filed?

Title VI complaints must be investigated within sixty (60) days. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also request relevant information such as books, records, electronic information, and other sources of information from all involved parties. You may specify if there is a particular individual or individuals that you feel should not investigate your complaint due to conflict of interest or other reasons.

In most cases, complaints will be forwarded to either the Colorado Department of Transportation or the Federal Highway Administration for investigation. All FHWA-related complaints will be sent to CDOT and will then be forwarded to FHWA so they can determine how the complaint should be investigated. If your complaint is forwarded to one of these agencies, you will be provided the name and contact information of the employee handling your complaint.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

VI. Title VI Complaint Form

The following is a form that may be used to file a complaint regarding a violation of Title VI:

TITLE VI COMPLAINT CITY OF ENGLEWOOD, COLORADO

Please complete this form to the best of your ability. If you need translation or other assistance, contact the Title VI Coordinator of Public Works at 303-762-2500 or email to publicworks@englewoodco.gov

Name _____

Address _____ City _____ Zip _____

Phone: Home _____ Work _____ Mobile _____

Email: _____

Basis of Complaint (circle all that apply):

| | | |
|-------------|--------------------------|-----------------|
| Race | Color | National Origin |
| Sex/Gender | Age | Disability |
| Retaliation | Other (please describe): | |

Who discriminated against you?

Name _____

Name of Organization _____

Address _____ City _____ Zip _____

Telephone _____

How were you discriminated against? (Attach additional pages if more space is needed)

Where did the discrimination occur?

Please list witnesses to the discrimination:

| Name | Organization/Title | Work Telephone | Home Telephone |
|------|--------------------|----------------|----------------|
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How would you like to see this situation resolved?

Have you filed your complaint, grievance, or lawsuit with any other agency or court?

Who _____ When _____
Status (pending, resolved, etc.) _____ Result, if known _____
Complaint number, if known: _____

Do you have an attorney in this matter?

Name _____ Phone _____
Address _____ City _____ Zip _____

Your Signature

Date

VII. Language Assistance

Limited English Proficient (LEP) individuals are those individuals for whom English is not their primary language and have a limited ability to speak, read, write, or understand English. Failure to provide language assistance for LEP persons may result in national origin discrimination. Therefore, pursuant to Executive Order 13166, FHWA subrecipients are required to perform an LEP analysis of their service area and develop a plan for providing language assistance and outreach to LEP populations.

The following is the four-factor analysis which must be used to determine what measures are necessary to provide meaningful access for LEP individuals:

1. **Identify the number or proportion** of LEP persons eligible to be served or likely to be encountered by the subrecipient.
2. **Determine the frequency** with which LEP persons come into contact with the subrecipient.
3. **Determine the nature and importance** of the program, activity, or service provided by the subrecipient.
4. **Identify the resources** available to the subrecipient and the costs.

After analyzing these four factors, subrecipients must establish an outreach plan for providing language assistance to LEP individuals. For more information on the Language Assistance Plan, please refer to the USDOT's LEP Guidance at <https://www.transportation.gov/civil-rights/civil-rights-awareness-enforcement/dots-lep-guidance>.

VIII. Data Collection

EPWD pulls demographic information from the most current information available through the United States (<https://www.census.gov>) and DRCOG for the City of Englewood.

| Program Area | Type of Data Collected & Process for Collecting | Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting the Data) |
|------------------|--|---|
| Project Specific | Poverty indicators for City of Englewood per State Census Data | Impacts to Low to Moderate Income Residents Application for targeted grants. |

IX. Public Participation

Public outreach is a significant component of planning, designing, and building transportation projects. EPWD recognizes this and is committed to working with city residents, businesses, and stakeholders to obtain their input and feedback on potential projects.

EPWD is committed to fostering public participation in all aspects of planning and budgeting to make continuous improvements. Executive Order (E.O.) 12898 was created to focus federal attention on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities. The E.O. directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law. The order also directs each agency to develop a strategy for implementing environmental justice. The order is also intended to promote nondiscrimination in federal programs that affect human health and the environment, as well as provide minority and low-income communities access to public information and public participation.

EPWD conducts outreach to obtain public feedback for its projects. The public participation process ensures that stakeholders are well informed regarding EPWD's projects.

EPWD's primary Public Participation Goals are:

- Encourage active public participation in project development.
- Provide project information, including the project purpose and goals.
- Promote opportunities for open dialogue with the public and stakeholders.
- Identify and incorporate public and stakeholder defined comments that add value.
- Identify project aspects that may have a potential negative impact on the community and proactively mitigate or avoid those features.
- Promote good will between the public, stakeholders, and EPWD.
- Establish trust with citizens and provide transparency in government operations.

The following is a list of possible public or stakeholders to engage depending on the project:

- General public including citizens, property owners and business owners
- Special Interest Groups
- City of Englewood City Council

- City of Englewood Boards and Commissions
- City of Englewood Utilities Department
- Denver Regional Council of Governments (DRCOG)
- Arapahoe County
- Project-specific technical and advisory committees, if applicable
- Colorado Department of Transportation (CDOT)
- Regional Transportation District (RTD)
- Mile High Flood District (MHFD)
- Local fire, law enforcement, and emergency medical services
- Neighboring cities and counties
- Englewood Downtown Development Authority
- Service districts, homeowner associations
- Private utility companies

Activities specific to EPWD's Title VI Plan include:

- Provide communication and public outreach in compliance with Title VI.
- Encourage input from the communities we serve.
- Develop and distribute information on Title VI and other department programs to the general public.
- Provide translation and interpreter services in accordance with EPWD's Title VI Plan.
- Advertise the availability of translation and interpreter services to the public.
- Connect bilingual staff with members of the public needing assistance.
- Disseminate information to stakeholders through applicable media outlets and communication channels to reach all social, economic, and ethnic interest groups in the region and ensure representation in the project development process.
- Include the Title VI Notice to the public on EPWD's website.
- Notify affected and/or protected groups of public meetings regarding proposed project actions.
- Ensure public project meetings are accessible to all residents. This includes the use of interpreters when requested or when a need for their use has been identified.
- Continually assess and improve communication strategies to assist people with Limited English Proficiency (LEP) to ensure they can access and understand project materials.

EPWD communicates with and conducts outreach to minority populations through:

- Project-specific documents (typically letters or postcards) are mailed through the United States Postal Service (USPS) to property owners in the area affected by the project.
- Project information is posted on the city's web page including:
 - *Englewood Engaged* web pages for specific projects
 - Project status updates with contact information
 - Door hangers or flyers
- EPWD advertises invitations to public meetings through various means, including:
 - Targeted mailings through the USPS
 - Social media
 - City of Englewood website
 - Posters, flyers
 - Broadway banner
 - Englewood magazine
 - Traffic message boards

Reasonable efforts will be made to assist persons with Limited English Proficient (LEP), persons with language-related disabilities, and others who require alternative means of communication (e.g. Braille, large print, American Sign Language, etc.) for program information or to file a claim.

EPWD will make reasonable efforts to hold public meetings in facilities that are Americans with Disabilities Act (ADA)-compliant and arrange for reasonable accessibility and accommodation for persons with disabilities.

To provide equal and effective communication for all persons, EPWD will respond to reasonable requests to provide assistance for persons who are blind or visually impaired and persons who are deaf or hard of hearing. Such services are made available upon request and with advanced notice whenever possible. Upon request and when feasible, staff will make reasonable efforts to provide translators and document translation.

Older adults or non-vehicle households who are unable to attend meetings may request information from EPWD and have the requested materials mailed to their residence.

EPWD staff is available to talk with members of the public at scheduled public meetings. Comment cards are made available and can be submitted with or without the person's contact information. EPWD staff contact information is provided at these meetings.

EPWD staff, coordinating availability, are willing to speak with groups to eliminate participation barriers and involve citizens in the transportation planning process.

Input from all members of the public is considered regardless of race, color, national origin, sex, disability, or age.

X. Notice of Rights

EPWD publishes this notice on its website. Public comment is requested through annual notices published on its website.

Alternative means of communication for program information or to file a claim (e.g. Braille, large print, audiotape, American Sign Language, etc.) can be requested by email, fax, postal service or in person. A sample notice is provided as follows:

Your Rights Against Discrimination under Title VI of the Civil Rights Act of 1964

EPWD operates its programs and services without regard to race, color, national origin, sex, age, and disability. Anyone who believes they have been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any City of Englewood program or activity because of their race, color, national origin, age, sex, or disability may file a discrimination complaint with the City of Englewood or the Colorado Department of Transportation.

To file a Title VI discrimination complaint, contact:

EPWD Title VI Coordinator
City of Englewood
1000 Englewood Parkway
Englewood, CO 80110
publicworks@englewoodco.gov

or

Colorado Department of Transportation
Civil Rights & Business Resource Center
2829 W. Howard Place
Denver, CO 80204
dot_civilrights@state.co.us
(303) 757-9234

XI. Assurances

General Assurance

EPWD HEREBY AGREES THAT, as a condition to receiving Federal financial assistance it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252 42 U.S.C. 2000d-42 U.S.C. 200d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1954 and other pertinent directives, that no person in the United States shall, on the grounds of race, color, national origin, gender, age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by the subsection 21.7 (a) (1) of the Regulations, a copy of which is attached hereto in Appendix A.

Standard Assurances

The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A

EPWD (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
49 C.F.R. Part 21 (entitled Non-discrimination in Federally-Assisted Programs of The Department of Transportation-Effectuation of Title VI of The Civil Rights Act Of 1964);
28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations", respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the FHWA, FTA, or FAA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted FHWA, FTA, and FAA assisted programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all FHWA, FTA and FAA programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"City of Englewood, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

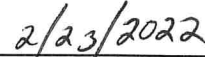
By signing this ASSURANCE, the EPWD also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA, FTA, and FAA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA, FTA, or FAA. You must keep records, reports, and submit the material for review upon request to FHWA, FTA, or FAA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

EPWD gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the FHWA, FTA, and FAA. This ASSURANCE is binding on City of Englewood, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FHWA, FTA, and FAA funded programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

City of Englewood



Maria D'Andrea, P.E.
City of Englewood
Director of Public Works



Date

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the United States, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by City of Englewood, Colorado Department of Transportation or U.S. government to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to City of Englewood, Colorado Department of Transportation or U.S. government, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non- discrimination provisions of this contract, City of Englewood will impose such contract sanctions as it, the Colorado Department of Transportation or U.S. Government may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as City of Englewood, the Colorado Department of Transportation or U.S. Government may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the City of Englewood will accept title to the lands and maintain the project constructed thereon in accordance with the U.S. Government, the Regulations for the Administration of (Name of Appropriate Program), and the policies and procedures prescribed by the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of Englewood all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of Englewood and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the City of Englewood its successors and assigns.

The City of Englewood, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that City of Englewood will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re- enter said lands and facilities on said land, and that above described land and facilities will thereon

revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverted clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by City of Englewood pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, City of Englewood will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued. *
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, City of Englewood will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of City of Englewood and its assigns. *

(*Reverted clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the City of Englewood pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non- discrimination covenants, City of Englewood will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. *
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, City of Englewood will there upon revert to and vest in and become the absolute property of City of Englewood and its assigns. *

(*Reverted clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin) and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq., as amended) (prohibits discrimination on the basis of disability) and 49 CFR Part 27;
- The Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq., as amended) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123, as amended) (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL 100-209) (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure

compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100); and

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).